

RESOLUTION NO: 13-1219-4

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

RESOLUTION

WHEREAS, in the November 6, 2012 statewide general election, voters approved Proposition 39, which created the *California Clean Energy Jobs Act*, which provisions were further refined with the enactment of SB 73 (Stats. 2013, ch. 29) on June 27, 2013 and the enactment of SB 97 (Stats. 2013, ch. 357) on September 26, 2013; and

WHEREAS, Public Resources Code section 26235 directs the California Energy Commission to develop guidelines for a variety of elements of the *California Clean Energy Jobs Act*; and

WHEREAS, the California Energy Commission released draft *Proposition 39: California Clean Energy Jobs Act – 2013 Program Implementation Guidelines* (Guidelines) on September 27, 2013; and

WHEREAS, the California Energy Commission conducted five public meetings and three webinars throughout the state during the months of October and November, 2013; and

WHEREAS, the California Energy Commission released final Guidelines on November 22, 2013; and

WHEREAS, Public Resources Code section 26235 exempts the adoption of the Guidelines from Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code; and

WHEREAS, California Energy Commission staff has considered the application of the California Environmental Quality Act (CEQA) to the adoption of the Guidelines, concluded that adoption of the Guidelines is a “project” under CEQA, and docketed a draft Notice of Exemption stating that the adoption of the Guidelines is exempt from CEQA requirements pursuant to the “common sense” exemption (CEQA Guidelines, § 15061, subd. (b)(3)) because the effect of the Guidelines is to facilitate activities that will increase energy efficiency and clean energy generation, which does not have the potential for causing a significant effect on the environment, and further, that activities that will ultimately be funded by Proposition 39 funds fall within three categorical exemptions: repair, maintenance, or minor alteration of existing public structures pursuant to Title 14, California Code of Regulations, section 15301; replacement or reconstruction of existing facilities on the same site and for the same purpose pursuant to Title 14, California Code of Regulations, section 15302; and minor additions to existing schools pursuant to Title 14, California Code of Regulations, section 15314; and

WHEREAS, the California Energy Commission and finds that the adoption of the Guidelines is exempt from CEQA for the reasons identified in the draft Notice of Exemption docketed on December 17, 2013; and

WHEREAS, the California Energy Commission accepts and approves the Guidelines with the modifications incorporated by the California Energy Commission at the December 19, 2013 hearing for the purpose of administering the California Clean Energy Jobs Act; and

WHEREAS, judicial review of this Resolution is governed by Public Resources Code, section 25901;

THEREFORE BE IT RESOLVED, the California Energy Commission hereby adopts the *Proposition 39: California Clean Energy Jobs Act – 2013 Program Implementation Guidelines*, with the modifications incorporated by the California Energy Commission at the December 19, 2013 hearing and delegates the authority and directs Commission staff to take, on behalf of the Commission, all actions reasonably necessary to administer the *California Clean Energy Jobs Act* as specified in these Guidelines, including but not limited to making any appropriate non-substantive, editorial-type changes to the Guidelines and/or any related documents, and preparing and filing all appropriate documents, such as the Notice of Exemption with the Office of Planning and Research.

IT IS SO ORDERED

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Decision duly and regularly adopted at a meeting of the California Energy Commission held on December 19, 2013.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated: _____, at Sacramento, California.

Harriet Kallemeyn
Secretariat
California Energy Commission